

Jacek Krupa
Jagiellonian University

PARLIAMENTARY ACTS CONCERNING THE JEWS IN THE POLISH COMMONWEALTH DURING THE REIGN OF KING AUGUSTUS II THE STRONG (1697–1733)¹

In a multinational and multicultural Polish Commonwealth of the time of Augustus II, the Jews occupied an extremely important place. In the first half of the 18th century, they played an important role in the entire society of the Polish noblemen's state. During this period, the authorities of the Commonwealth treated the Jews in a very positive way; in the majority of cases, they protected them and they did not openly violate the principles of Jewish autonomy. Generally, the Jews could count on the protection of King Augustus II as well as on the support of his ministers. The Polish magnates also protected the Jews at that time. The situation of the Jews in the Polish-Lithuanian state was also, to a large extent, determined by the parliamentary acts which were passed by the nobility at the Central Diet.

The Diet played an immense role in the political life of the Polish Commonwealth of the Nobility.² Yet during the reign of King Augustus II, the number of Diet sessions which were successful had decreased considerably. Out of twenty one Diet sessions which were held at the time, only ten had ended with the passing of parliamentary acts.³ The remaining Diet sessions were either broken off, or else the envoys had gone home without passing the necessary resolutions.

Kazimierz Maliszewski is of the opinion that: "(...) from the very beginning of King Augustus II's reign, anti-Jewish accents had occurred at nearly all Diet sessions

¹ The presented fragment constitutes a part of the book entitled *The Jews in the Polish Commonwealth During the Reign of King Augustus II the Strong (1697–1733)* which is to be published in the year 2002.

² H. Olszewski, "Funkcjonowanie sejmów w dawnej Rzeczypospolitej", *Czasopismo Prawno-Historyczne*, 1983, vol. XXXV, 1, p. 149; J. Michalski, "Sejm w czasach saskich", [in:] *Historia sejmów polskiego*. Vol. I. *Do schyłku szlacheckiej Rzeczypospolitej* J. Michalski (ed.), Warszawa 1984, pp. 300–343; S. Grodziski, "Sejm dawnej Rzeczypospolitej jako najwyższy organ ustawodawczy. Konstytucje sejmowe – pojęcie i próba systematyki" *Czasopismo Prawno-Historyczne*, 1983, vol. XXXV, 1, pp. 163–175.

³ J. Staszewski, "Jednomyślność a Liberum rumpo", [in:] *Uchwalenie konstytucji na sejmach w XVI–XVIII w.*, *Acta Universitatis Wratislaviensis*, No. 477, Historia XXXI, Wrocław 1979, pp. 81–85; W. Krieger, *Sejm Rzeczypospolitej szlacheckiej (do 1763)*, Warszawa 1995, pp. 126–146.

(...).⁴ Yet, it seems that the attitude of the envoys toward the Jews at that time was not characterized by negative feelings. One does not notice a rapid increase of anti-Jewish feeling at parliamentary sessions either.

The attitude of the envoys toward the Jews was clearly visible in the course of debates, as well as in the content of the acts and resolutions passed by the Diet. The speeches and addresses of the nobles devoted to the Jews aimed at defining the position and status of the Jewish population in the Polish Commonwealth. On the other hand, the speeches in question expressed the attitude of the envoys towards the Jews. The envoys and senators taking part in the debates often expressed characteristic opinions concerning the Jews. The latter had often been shaped by the earlier discussions at dietines or "little assemblies", as well as by the opinions of the majority of the Polish nobles, and by the attitude of the Catholic Church. In turn, the addresses of the envoys and senators exerted an impact on the shape of the acts concerning the Jews which were passed by the Diet. The acts in question were to define their position in the Polish state.

During the reign of King Augustus II, one never comes across a situation when the Jewish problems would clearly dominate the course of parliamentary debates.⁵ The above problems were raised relatively rarely. Yet the way of handling these issues, as well as the type of arguments which were used in the debates, should lead one to the conclusion that they were rather important to the envoys.

The more radical solutions concerning the Jewish problems constituted, almost exclusively, an expression of a certain generally accepted convention. One should strongly emphasize that even the most radical speeches did not find their reflection in the subsequent parliamentary acts.

Out of the total number of 20 Diets which were called during the reign of Augustus II, only 9 had passed parliamentary acts.⁶ Moreover, relatively little space was devoted to the Jewish issues in the above acts. During the reign of King Augustus II, the problems relating to the Jewish population which were raised in the parliamentary acts, referred mainly to economic issues. The greatest amount of space was devoted to resolutions relating to tax regulations. For instance, one can find in them regulations relating to the Jewish poll-tax. There are also remarks concerning the possibility of introducing tax exemptions for the Jews.

In the course of parliamentary sessions which were held during the reign of Augustus II, attempts were made to introduce a uniform poll-tax for all of the Jews. It

⁴ K. Maliszewski associates the "anti-Jewish incidents" in the Diet with a lack of possibility of "gentle" assimilation, as well as with attempts to present the Jews as enemies of the Christians. K. Maliszewski, *Obraz świata I Rzeczypospolitej w polskich gazetach rękopiśmiennych z okresu późnego baroku. Studium z dziejów kształtowania się i rozpowszechniania sarmackich stereotypów wiedzy i informacji o 'Theatrum mundi'*, Toruń 1990, p. 64; K. Maliszewski seems to uphold the opinion of W. Smoleński who stated that: "In the first half of the 18th century complaints against Jewish abuses as well as against the Polish nobles who tolerated them in their estates, could be heard in the Diet". W. Smoleński, "Stan i sprawa Żydów polskich w XVIII wieku", [in:] *Pisma historyczne*, vol. II, Kraków 1901, p. 231.

⁵ A situation like that occurred at the Diet sessions in Grodno 1692–1693 when the anti-king opposition had taken advantage of the case of a Jewish subject Becal to launch an attack on king John III Sobieski; A. Kaźmierczyk, *Sejmy i sejmiki szlacheckie wobec Żydów w drugiej połowie XVII wieku*, Warszawa 1994, pp. 125–131.

⁶ H. Olszewski, *Sejm Rzeczypospolitej epoki oligarchii 1652–1763. Prawo – praktyka – teoria – programy*, Poznań 1966, p. 322.

was very important for the nobles to introduce some form of control in the process of collecting this tax from the Jews. The Diet had also proposed concrete resolutions concerning those Jews who were lessees of customs duties (who "sat on customs"). The financial problems of two big Jewish communities in the Polish Commonwealth had also been mentioned: namely those of the Kraków and Lublin communities. The nobility gathered at the Diets had also passed a resolution concerning the situation of the Jews in Kamieniec Podolski and in the Podolia province, after the return of these territories to the Polish Commonwealth.

For the sake of comparison, the authors of the parliamentary acts mentioned the resolutions concerning the Lithuanian Jews. There too, the greatest amount of space seemed to be devoted to financial issues and the treasury. The parliamentary acts relating to Lithuania concerned mainly the taxes, the Jewish poll-tax and the Jews employed in the customs administration on the territory of Lithuania.

The Lithuanian acts also mention the way the funds received from the Jews should be used. The money obtained from the Jews was to be used to put together a detachment of Hungarian tribunal infantry, or else as payment for the army commanders ("the salary of the Great Lithuanian Hetman").

For the sake of comparison, one should add that similar legal regulations concerning the Jewish population were also introduced at this time in Silesia. They concerned the so called "tolerance" tax, the ban on the employment of Christian servants, the ban on the lease of estates and public revenues (with the exception of the production and sale of vodka), and what is of particular importance, the regulations defining the principles of settlement and habitation of Jews in Silesia.⁷

One should remember that, without a doubt, all of the political and social events and processes which were taking place in the Polish-Lithuanian state⁸ at the time, exerted an influence on the acts which were passed in the Diet. It was both the economic and social issues, as well as the general attitude of the gentry toward the Jews, that exerted an influence on those sections of the acts which referred to the "Jewish" problems. One of the more important elements defining the mutual relations between the Poles and the Jews was the issue of credits. The Polish nobility, and the Catholic Church had frequently taken advantage of the services of the Jewish communities when applying for credits and loans. The Jewish communities had, in a way, taken over the role of banks which did not exist at the time on the financial and credit market in the Polish Commonwealth.⁹ For example, in the years 1731–1745, the Tykocin Jewish community had loaned the sum of 5000 tynfs (old Polish silver coin) to Andrzej Karwowski, the cup-bearer of the Wizna province.¹⁰ In everyday practice, Church institutions were also forced to make use of credit loans which were offered by the Jews.

⁷ K. Orzechowski, "Sprawy ludności żydowskiej w śląskich drukowanych zbiorach prawnych (do połowy XVIII w.)", *Sobótka*, A. XLIV, 1989, No 1, pp. 48–49.

⁸ The shape of the parliamentary acts passed by the Diet in 1717 was undoubtedly influenced by the events which preceded it, that is the Tarnogród Confederacy as well as the presence of Russian troops in the country, J. Feldman, "Geneza konfederacji tarnogrodzkiej", *Kwartalnik Historyczny*, A. XLII, 1928, pp. 493–531.

⁹ J. Goldberg, *August II wobec polskich Żydów*, [in:] *Rzeczpospolita wielu narodów i jej tradycje*, A.K. Link-Lenczowski and M. Markiewicz (eds.), Kraków 1999, p. 98; I. Ichnatowicz, A. Mączak, B. Zien-tara, J. Żarnowski, *Spółczesność polskie od X do XX wieku*, Warszawa 1988, p. 231.

¹⁰ A. Leszczyński, *Żydzi ziemi bielskiej od połowy XVII w. do 1795 r.*, Wrocław 1980, p. 190.

The phenomenon of growing indebtedness of individual parishes and religious orders in relation to the Jewish communities in the 18th century, was gradually becoming the cause of considerable frustration for the representatives of the Catholic Church.¹¹

When ascending to the Polish throne, Augustus II had promised in *pacta conventa* that he would not grant leases to anyone who was not part of the gentry, and particularly to the Jews.¹² Certain quite numerous groups among the Polish gentry were afraid of competition on the part of the Jewish population. Such was the case with the so called Podolia exiles, i.e. a group of nobles who escaped from Podolia, after these territories had been annexed by the Turks in 1672. The exiles from Podolia often demanded that the number of Jews living on Polish territories should be restricted and that they should be removed from leases, as well as customs houses and tollgates.¹³ The gentry from Podolia wanted to take the place of the Jews which was not always possible. In order to obtain a lease on a customs house, a toll gate or access to other types of crown revenues, one had to possess a large sum of money. As is generally known, fulfilling the latter requirement proved quite difficult for the majority of the Podolia gentry.

One of the most important issues which was discussed at the so called "pacification" Diet of 1699 which was held in Warsaw, was the problem of Podolia. After the signing of the peace treaty with the Ottoman empire in Karlowice, the province of Podolia had once again become part of the Polish Commonwealth. Before that, for almost thirty years (1672–1699), the above lands had remained outside of the Commonwealth and were part of the Turkish state. The entire province of Podolia had been exempted from the obligation of paying taxes.¹⁴ By introducing a similar tax exemption, the Diet had also decided to improve the economic situation of Kamieniec Podolski which had been seriously destroyed in the course of recent years.¹⁵

Yet, the extensive tax exemptions concerning Podolia and the town of Kamieniec Podolski itself, did not take into consideration the Podolia Jews. Similarly as all other merchants in this region, the Jews were obliged to pay customs, as well as the entirety of what was referred to as the Jewish poll-tax.¹⁶ The Diet also did not decide to exempt the Jews from having to pay poll-tax which had been levied for the whole of the Crown territories. The constitution clearly stated that this tax was to be paid by all "(...) Jews who resided in this Province (...)".¹⁷ Thus, the merchants and the Jews of Podolia were

¹¹ Issues relating to financial loans which Church institutions obtained from the Jews were presented by an anonymous 18th c. author in the following way: "(...) if the townsfolk were as diligent and punctilious in returning their debts as the unfaithful Jews – every priest would much prefer to spend money on city halls, rather than on Jewish synagogues"; quotation after: S. Ochmann-Staniszevska, "Społeczno-ekonomiczny konflikt między kościołem a szlachtą epoki saskiej w świetle anonimowego traktatu", *Sobótka*, A. XLVII, 1992, No. 1–2, p. 243.

¹² "Pacta conventa Augusta II", [in:] *Volumina Legum* (= VL) J. Ohryzko (ed.), Petersburg 1859, vol. VI, p. 36.

¹³ J. Stoliccki, *Egzulanci podolscy 1672–1699. Znaczenie uchodźców z Podola w życiu politycznym Rzeczypospolitej*, Kraków 1994, p. 128.

¹⁴ VL, vol. VI, p. 62.

¹⁵ B. Dybaś, *Sejm pacyfikacyjny w 1699 r.*, Toruń 1991, VL, p. 178; vol. VI, p. 62.

¹⁶ Also, all customs duties, regardless of any tax exemptions were to be paid to the crown treasury; VL, vol. VI, p. 63.

¹⁷ VL, vol. VI, p. 63

not to take advantage of the benefit of tax exemptions which were instituted by the nobility at the above-mentioned Diet.

In the parliamentary acts passed by the Warsaw Diet of 1699, the nobility had returned to the earlier decisions concerning the Jews of Podolia. The acts in question date back to the years: 1598, 1659, and 1670, that is to the times before Podolia had become detached from the Polish crown. The nobility had recalled that in accordance with the above acts, the Jews were not allowed to settle down in Kamieniec Podolski. That is why, it was decided now that they should not own any property nor conduct commercial activity within city boundaries; it was also stipulated that they should not be permitted to stay within city boundaries for longer than three weeks.¹⁸ Therefore, attempts were made to reinstate the former legal regulations defining the situation of the Jews in Kamieniec Podolski. Thus, the new parliamentary rulings did not take into consideration the changes which had taken place at the time when the territories of Podolia belonged to the Turkish state. They failed to note that in practice, the very principles on which the Jewish population had settled in Kamieniec Podolski had changed.

The Jews took refuge in Kamieniec (in spite of the ban on Jewish settlement there) already at the time of the Chmielnicki uprising, and subsequently they did not let anyone remove them from there.¹⁹ After the above territories had been taken over by the Turks in 1672, the Jews obtained the right "to legalize their status in Kamieniec and were allowed to freely profess their own religion".²⁰

The Diet held in 1699 decided not only to uphold the old laws relating to the Jewish population, but it also forbade the population belonging to the Orthodox church to live in the city. Kamieniec, once again, obtained the right to organize fairs, which had previously been transferred to Jazłowiec.²¹ After the return of Podolia to the Polish crown, the structure of Jewish autonomy had also undergone some changes. Above all, the organization of the territorial autonomy of the Jewish population, as well as the range and boundaries of the Russian district on these territories, had been altered.²² The tremendous turmoil which accompanied the uprisings led by Palej and Samuś in the years 1702–1703, as well as other rebellions led by the Cossack peasants, could not have been propitious toward a harmonious development of Jewish settlement on the territory of Podolia. For instance in Zinków, there lived only 3 Jewish families. In turn, in Miedzybórz, an increase in the numbers of Jewish population living there could be observed only in the years 1717–1730.²³ Earlier on, towards the end of the 17th century the lands situated along the boundaries of the Polish Commonwealth of Nations, had been the target of numerous Turkish invasions; it was the Jews who inhabited these territories that had suffered most. According to A. Leszczyński, by the king's decree of 1 June 1713, the Podolia district comprising of the Jewish communities of the Podolia

¹⁸ VL, vol. VI, p. 63.

¹⁹ D. Kołodziejczyk, *Podole pod panowaniem tureckim. Ejalet Kamieniecki, 1672–1699*, Warszawa 1994, pp. 69, 140.

²⁰ *Ibid.*, p. 141.

²¹ J. Stoliczka, *Egzulanci podolscy 1672–1699*, p. 101.

²² "After the treaty of Karłowice, Podolia did not return to the district, but had organized itself separately under the leadership of the Satanowski rabbi". M. Bałaban, *Historia i literatura żydowska. Ze szczególnym uwzględnieniem historii Żydów w Polsce*, vol. III, Lwów–Warszawa–Kraków 1925, p. 335; idem, *Z zagadnień ustrojowych żydostwa polskiego*, Lwów 1932, pp. 3–6.

²³ Z. Guldón, J. Wijaczka, "Procesy o mordy rytualne na Rusi Czerwonej, Podolu i prawobrzeżnej Ukrainie w XVI–XVIII wieku", *Nasza Przyszłość*, No 81, 1994, p. 69.

province (i.e. one of the biggest districts in the Polish Commonwealth) became subordinated to the jurisdiction of the Podolia voivode. The king had also recommended at that time that the Podolia Jews "should have their own rabbi and that they should elect their own representatives to the Jewish Diet of the Polish Crown".²⁴ This had already marked a complete change in the functioning of the Jewish self-government on the territory of Podolia.²⁵

When establishing the height of the poll-tax for the Jews living on the territories of the Crown, the authors of the parliamentary act of 1699 took pains to ensure that the value of the collected sums would not decrease with time.²⁶ As was clearly pointed out in the act, no tax exemptions for the Podolia Jews were to be considered.

The authors of the act had also commented on the way the Jewish poll-tax was to be collected. Among the Polish gentry of the time, there was a widespread opinion that the Jewish communities had themselves selected the way the poll-tax was to be collected. This is why, the Diet saw a need for introducing suitable regulations concerning this issue. The practice commonly resorted to by the Jewish elders (known here as "the County Jewish Elders") was universally known. The Jewish elders often took advantage of the option of settling the poll-tax in the form of a lump sum and while doing so, they tried to charge their kinsmen more than the due amount, so that they could use the excess money for their own ends.²⁷

The provision which regulated this issue was not very realistic. Besides, the Jewish society constituted quite a hermetic group, and there was no specialized fiscal apparatus in the Commonwealth which could control the collection of the poll-tax. That is why, it was not easy to check what the real amount of the collected poll-tax was in the individual Jewish communities. After all, the state authorities did not directly participate in the collection of this tax.

In the parliamentary acts of 1699, we also come across certain regulations concerning the Jews staying on the estates belonging to the nobility. Thus in the *Volumina Legum*, one comes across a provision that the Jewish elders should not impose these additional payments on the Jews living on private estates: "(...) on non-belonging Jews, or else Jews living on the estates belonging to the nobility (...)".²⁸

By protecting their "own" Jews, those living within the boundaries of their estates, the gentry protected their own economic interests. While collecting taxes from the Jews in a direct way, army units often laid waste to the estates belonging to the nobility. The Jewish elders "extracting" money from Jewish traders employed on the local squire's estate, also impinged on the fundamental economic interests of the nobles.²⁹ The Diet of the Polish Commonwealth established that when the Jews paid the required sum of

²⁴ A. Leszczyński, "Terytorialna organizacja kahalna Żydów Korony 1623–1764", [in:] *Studia z dziejów Żydów w Polsce*, vol. I, Z. Borzymińska (ed.), Warsaw 1995, p. 50; idem, *Sejm Żydów Korony 1623–1764*, Warszawa 1994, p. 70.

²⁵ M. Schorr, "Organizacja Żydów w Polsce od najdawniejszych czasów aż do r. 1772", *Kwartalnik Historyczny*, A. XIII, 1899, p. 758.

²⁶ It was to be 105 thousand zł paid in "the good Prussian currency"; *VL*, vol. VI, p. 65.

²⁷ The Jewish elders could not levy any other financial obligations on the local communities, under the pretext of collecting taxes.; *VL*, vol. VI, p. 65.

²⁸ *VL*, vol. VI, p. 66.

²⁹ J. Goldberg, "Władza dominialna Żydów-arendarzy dóbr ziemskich nad chłopami w XVII–XVIII w.", *Przegląd Historyczny*, vol. LXXXI, 1–2, 1990, pp. 189–198.

one hundred and five thousand zloties, no other taxes would be levied on them.³⁰ Yet, as is shown by the practice of local counsels, at their conventions the gentry often made decisions concerning taxes which contradicted the earlier resolutions of the central Diet.³¹ In accordance with the parliamentary acts of 1699, the Jewish poll-tax for the Grand Lithuanian Duchy was to be at the level of twenty five thousand Polish zloties.³² The money obtained from the Jewish poll-tax in Lithuania was to be spent on the maintenance of a detachment of Hungarian infantry one hundred men strong.

The Lublin Diet of 1703 decided to retain the Jewish poll-tax at the same level, that is one hundred and five thousand Polish zloties, yet this time the money was to be paid "in good Prussian coins."³³ By making such a stipulation the Diet wanted to protect the revenues of the crown treasury obtained from the taxes paid by the Jews against a possible loss of value. After paying in the required annual sum, the Jews residing on the territories belonging to the Polish crown, were not to be burdened with any other financial obligations "(...) by their Elders."³⁴ In accordance with the recommendation of the Diet, an important role in the collection of the Jewish poll-tax was to be played by the Great Crown Treasurer whose competence included, among other things, a just distribution of the poll-tax among the Jews living in the individual communities.³⁵

According to the parliamentary acts passed by the Diet of 1703, the Jewish poll-tax in Lithuania was to be at the level of sixty thousand Polish zloties.³⁶ Similarly as before, the sums obtained from the collection of the Jewish poll-tax were to be spent on the maintenance of the Lithuanian army.³⁷

Reverting to the resolutions of the Lublin Diet of 1703,³⁸ the Diet of 1710 defined the height of the so called "hiberna" tax (winter army maintenance tax) as well as the Jewish poll-tax. The nobility gathered at the Diet voted in the old regulations concerning the principles of setting up border customs houses on the lands belonging to the Crown, as well as on territories belonging to the clergy and landed gentry. The Diet consented to the setting up of customs houses by the crown treasury. The issue of setting up private customs houses and toll-gates had been dealt with quite differently. The latter were not approved by the Diet. Similarly as in the previous years, the setting up of new customs houses was regarded as the responsibility of customs scribes, guards and the officials responsible for collecting the Jewish poll-tax.³⁹ The parliamentary acts passed by the Diet of 1710 had also ensured safety to all persons responsible for tax

³⁰ VL, vol. VI, p. 66.

³¹ VL, vol. VI, p. 66.

³² VL, vol. VI, p. 75.

³³ VL, vol. VI, p. 105.

³⁴ VL, vol. VI, p. 105.

³⁵ Such a solution was to prevent possible abuses on the part of the elders in the Jewish communities, as well as fund embezzlements by the officials working for the Crown treasury.

³⁶ VL, vol. VI, p. 117.

³⁷ H. Olszewski, *Doktryny prawno-ustrojowe czasów saskich (1697–1740)*, Warsaw 1961, pp. 78–79; The Lithuanian gentry drew attention to the restrictions and bans relating to the Jewish population as regards treasury issues. If a Jewish subject employed by the Treasurer in the fiscal administration ("to perform services to the Treasury") were to be killed, his assassin was to be set free; Instrument Limitacji Wileńskiej 1703, Kraków, the Czartoryski Library (= Bibl. Czart.), Teki Naruszewicza (= TN). 197, p. 187; *ibid.*: Bibl. Czart. Kraków, 2108, p. 44.

³⁸ VL, vol. VI, p. 178.

³⁹ VL, vol. VI, p. 185.

collection. Among the resolutions passed by the above Diet, one could also find decrees concerning the Old and New Warsaw, a city which had been granted special status, as the place of the king's residence. On this occasion, the Diet did not fail to mention the earlier resolutions directed against the Jews as well as the dissenters.⁴⁰

According to the Diet of 1710, the sums collected in the form of the Jewish poll-tax (likewise in the previous years) were to be spent on the maintenance of the army.⁴¹ It was repeated yet again that the Jews were not permitted to lease customs houses on the territory of the Grand Lithuanian Duchy. In accordance with the parliamentary resolutions of 1710, the same regulations concerned also persons of noble origin, who did not reside permanently on the territory of Lithuania.⁴² If however, the above law was not respected and in its consequence the Lithuanian treasury would suffer losses, then the Jews were to be prosecuted and tried before a treasurer's court of law.⁴³ In 1711, in accordance with the verdict issued by the Lithuanian tribunal, a Jewish subject Lemko Ulfowicz was sentenced to death for offences to the Crown treasury.⁴⁴ A similar case occurred a few years later, although this time the crime was not committed by Jews but by Armenians.⁴⁵

The parliamentary acts of 1712 concerning Lithuania defined precisely the principles of calculating the hearth-tax on the territory of the entire Duchy. The respective Diet resolutions mentioned all types of property and houses which were treated as "hearths", that is buildings on which one had to pay hearth-tax.⁴⁶ In order to facilitate and indeed improve tax collection, one had to carry out a detailed inventory of all buildings, including those belonging to the Jews.⁴⁷ Besides Jewish property, it was the town buildings as well as houses belonging to the Scottish, Turkish and peasant population that had been treated in the same, equally scrupulous way.⁴⁸ The inventories and listings of the hearth-tax were also compiled so as to satisfy the claims of foreign armies. Thus in 1711, an inventory of the hearth-tax in the Słonim district was carried out so as to pay off a contribution for the maintenance of Russian troops in Lithuania.⁴⁹ In

⁴⁰ Including the ones which forbade the Jews to settle down within the boundaries of the city of Warsaw.

⁴¹ The money from the taxes was to be divided by the Great Lithuanian Hetman; VL, vol. VI, p. 207.

⁴² VL, vol. VI, pp. 212.

⁴³ VL, vol. VI, p. 212.

⁴⁴ After his conversion to Christianity, the Jew Lemko Ulfowicz had been put to death under a new name of Tadeusz Antoni; *Pamiętniki Krzysztofa Zawiszy wojewody mińskiego (1666–1721)*, J. Bartoszewicz (ed.), Warszawa 1862, pp. 296–297. According to Bartłomiej Groicki, conversion to Christianity could not protect the Jews from responsibility for the crimes they had committed. B. Groicki, *Artykuły prawa magdeburgskiego*, K. Koranyi (ed.), Warszawa 1954, pp. 46–47.

⁴⁵ Armenian merchants who had caused losses to the Crown treasury, had been punished by the Great Crown Treasurer Jan Jerzy Przebendowski; "Diariusz traktatów w Warszawie 11 stycznia 1717 r.", [in:] *Dziennik konfederacji tarnogrodzkiej przeciwko wojskom saskim zawiązanej w Polsce 1715–1717*, E. Raczynski, (ed.), Poznań 1841, pp. 249–250.

⁴⁶ The Diet established that the buildings on which one had to pay hearth-tax were: inns, mills, wood-distillers' works, steel works, paper works and powder magazines; VL, vol. VI, p. 226.

⁴⁷ VL, vol. VI, p. 226.

⁴⁸ On the principles of calculating the hearth-tax in Lithuania see: H. Lulewicz, W. Sienkiewicz, "Rejstry podatkowe Wielkiego Księstwa Litewskiego z lat 1637–1717", *Przegląd Historyczny*, vol. LXXII, 1, 1981, pp. 111–118.

⁴⁹ Ibid., p. 114; Podymne na Litwie: R. Rybarski, *Skarb i pieniądz za Jana Kazimierza, Michała Korybuta i Jana III*, Warszawa 1939, pp. 120–123.

the course of drawing up the above inventory, all houses and buildings which were treated as "hearths", including the Jewish property, were very carefully described.

The Diet of 1713 decided that the money from the increased Jewish taxes should be spent on the army. It was the bishop of Livonia, K. Szembek, who came forward with the above proposition. According to another project of financing the army, suggested by a Volhynian judge Stecki,⁵⁰ a single soldier was to be supported by the funds provided by 20 tax-paying Jews.

The Diet of 1717 presided over by the marshal of the Tarnogród confederacy Stanisław Ledóchowski, had limited itself to the passing of the constitution without engaging in any debate (the parliamentary session lasted about 7 hours).⁵¹ The same Diet had also established the height of the Jewish poll-tax (the former sum of 105 thousand Polish zloties had been increased by another 5 thousand to be paid in "good Prussian coins" on the territory of the Crown, and to 60 thousand Polish zloties to be paid on the territory of Lithuania). In the collection of the poll-tax, the Treasurer was to be "assisted" by three general Jewish scribes.

The Diet of 1717 had also established the precise date by which the money from the above taxes should begin to flow in. On the territory of Lithuania, the money from the Jewish poll-tax was to have been spent on the upkeep of a detachment of the so called "tribunal" infantry. The Jews could not have become officials in the customs administration, nor in the state treasury. Therefore, the Diet had obliged the Treasurer to employ qualified officials to work in the customs houses. The parliamentary act of 1717 had also ruled that all excesses and tumults organized by servants in the Jewish quarters were to be limited and contained.

The Diet of Grodno held in 1718 dealt, among other things, with issues relating to the Jews who dwelt in the major cities of the Polish Commonwealth. It had also dealt with the important issue of the debt incurred by the Jewish community of Kraków. The Jewish communities in Kraków, Vilnius, Poznań, Gdańsk, Kalisz, Piotrków, Warsaw, Lublin, and Minsk,⁵² which had been mentioned in the parliamentary act of 1718, had been recognized as the most important Jewish settlements in Poland. Yet, the Diet had postponed all attempts to find a solution to the problems faced by the Jewish communities in the above-mentioned towns. Among the suggestions made by the king's chancellor in 1718, one finds a statement that the greatest havoc to the Crown cities is wrought by the protection granted to merchants and Jews, as well as by the introduction of new toll-gates.⁵³ The above opinions were by no means new. Similar views had already appeared earlier during various parliamentary sessions.⁵⁴

After the Diet sessions had come to a close, King Augustus II selected a special commission whose task was to find out the exact amount of the debt owed by the entire Krakow Jewish community and to try and find a way out of this awkward situation.⁵⁵

⁵⁰ J.A. Gierowski, *Miedzy saskim absolutyzmem a złotą wolnością*, Wrocław 1953, pp. 155, 161.

⁵¹ H. Olszewski, *Sejm Rzeczypospolitej epoki oligarchii...*, pp. 400–403.

⁵² VL, vol. VI, p. 395.

⁵³ J.A. Gierowski, *Rzeczpospolita w dobie upadku, 1700–1740, Wybór źródeł*, Wrocław 1955, p. 253; also see: "Propozycje of tronu JKMcI", [in:] *Teka Gabriela Junoszy Podolskiego*, vol. VI, K. Jarochoński (ed.), Poznań 1862, p. 86.

⁵⁴ *Diariusz Sejmu Walnego Grodzieńskiego*, 1718, Grodno, "Propozycje od tronu", Czartoryski Library, mps, Krakow, 550, p. 253.

⁵⁵ Provincial State Archives in Krakow, The Wawel Branch, Year 1719, CCRel. 142, pp. 455–461.

The royal commission concluded that the total debt of the Jewish community amounted to as much as 588 527 zloties.

A considerable part of the above sum, 346 240 zł, was made up of the debt toward the clergy and the Catholic Church.⁵⁶ At the beginning of the 18th century, the problem of the Jewish debt concerned not only the Jewish community of Kazimierz. The majority of Jewish communities in the Commonwealth were seriously indebted.

For example, in 1727 the Jewish community in Lvov had a debt amounting to 438 410 zloties. The king's moratoria which deferred payment of the debts could improve the situation only temporarily.⁵⁷ The Jewish community of Kazimierz, on the other hand, tried to obtain extra money for the payment of its debts by raising the rate of consumption tax. In order to make it easier for the Jewish officials to collect the above tax, the members of the Jewish community had been threatened with anathema, unless they settle the due sums. Another way of settling one's financial obligations, was trying to obtain new loans, which enabled one to pay back the old ones. In an attempt to prevent the above from happening, voivode Teodor Lubomirski issued a ban, in 1727, which forbade the Jewish elders to obtain new loans without informing the voivode about it.⁵⁸

The Diet of Grodno held in 1726 had postponed solving many problems connected with the Jewish community until subsequent years.⁵⁹ What is characteristic is that among the many Jewish institutions which were in need of assistance, one also finds the synagogue of Lublin. The Diet of Grodno had also put off finding a solution to issues connected with trade. The Jews had been mentioned as a nation who were held responsible for the destruction of local trade.⁶⁰ The above view constituted a repetition of traditional opinions concerning the Jewry. For, since time immemorial, the Jews had been perceived as dangerous rivals of the Christian merchants.

Although The Jewish problems by no means constituted the most important element of the debates, they found a very clear reflection in the parliamentary acts which were passed by the Diet during the reign of King Augustus II Sas. Thus, all of the most important issues concerning the Jews, which according to the deputies were also important for the Polish Commonwealth of the Gentry, had been mentioned in the parliamentary acts. The greatest amount of space had been devoted in the acts to the proper functioning of the tax system relating to the Jewish population. The most important element in this system was no doubt the Jewish poll-tax. In Lithuania, besides the poll-tax, a vital element of the fiscal system was the hearth-tax. The local councils and Diets established the height of the taxes which the Jews were obliged to pay to the state treasury. They also made sure that all Jewish communities were burdened equally with taxes. The Jewish elders were to see to it that no Jewish community paid more than another. The elders were also expected to help the Treasurer in the effective collection of taxes. As regards tax issues, the parliamentary acts emphasized the role of the Grand Crown Treasurer. The latter, as the king's minister was at the same time obliged by the

⁵⁶ M. Bałaban, *Historia Żydów w Krakowie i na Kazimierzu 1304–1868*, vol. I–II, Kraków 1931, vol. II, pp. 244–245.

⁵⁷ M. Bałaban, *Historia i literatura żydowska ze szczególnym uwzględnieniem historii Żydów w Polsce*, Lwów–Warszawa–Kraków 1925, vol. III, p. 331.

⁵⁸ M. Bałaban, *Historia Żydów w Krakowie i na Kazimierzu*, vol. II, pp. 247–248.

⁵⁹ VL, vol. VI, p. 456.

⁶⁰ VL, vol. VI, pp. 492, 494.

Diet to employ suitable officials in the customs and treasury administration. Efficient tax collection was an issue of immense importance for the state authorities. In the acts passed by the central Diet, one finds clear-cut provisions addressed to the regional councils warning them not to levy additional taxes on the Jews. The latter were not to be burdened with any other payments.

The acts passed by the Diet also tried to specify in what way the sums obtained from the Jewish poll-tax should be spent. Above all, they were to be spent on satisfying the needs of army detachments. In Lithuania, the money from the Jewish poll-tax was spent, among other things, on the maintenance of the "tribunal" infantry units. In order to protect the value of the money and introduce uniformity in the process of tax collection, the Jews were ordered to make their payments "in good Prussian coins". The Jews could be exempted from having to pay taxes thanks to the so called "liberations" or tax exemptions. The latter could be obtained mainly on the basis of the so called "conflagrat" provision, i.e. tax exemption due to fire (conflagration).

In certain exceptional circumstances, the Diet decided to abolish tax exemptions due to "conflagrat" (conflagration). As from the point of view of state authorities, numerous tax exemptions diminished the revenues of the state treasury.

A permanent element which was almost always raised by the Diet in its parliamentary acts were the objections towards the Jewish leasees of toll-houses and state customs houses. This was especially evident in the Lithuanian parliamentary resolutions. At this point, it is worth remembering that in his *pacta conventa* King Augustus II made some very specific demands on the gentry as regards the latter issue.

As I have already pointed out earlier, the parliamentary acts also tried to deal with the problems of the Jewish population in Podolia, after these lands had been returned to the Commonwealth. The acts relating to Kamieniec Podolski granted the town tax exemptions (for ten years) and upheld the former resolutions relating to the Jews of Podolia.

Finding a solution to the problem of debts of the Jewish communities in the cities was an issue of immense importance for the Commonwealth. The debts of the Jewish communities exerted a bad influence on the entire economy of the Polish state. In many cases, the debts of the Jewish communities had an adverse impact on the financial situation of the nobles who were their creditors. In order to solve the problems of the Jewish community in Kazimierz, a special commission was created in 1718. The problems of the Jewish community in Lublin had been mentioned in the parliamentary acts passed by the Diet of 1726. The acts also drew attention to the protection and support provided to the Jews by private landowners.

It is difficult to perceive any far-reaching and uniform program relating to the Jews in the parliamentary acts concerning this section of the Polish population. The solutions contained in *Volumina Legum* should be regarded rather as a reaction to the current problems which exerted a considerable influence on the functioning of the Commonwealth of the Gentry. The problems in question involved the necessity of collecting taxes from the Jewish population as these funds were necessary for the maintenance of the army, or else the issue of solving the problem of the indebtedness of the Jewish communities. The only significant change concerning the Jews had taken place in the acts passed by the so called "mute" Diet of 1717. This had raised the sum of the Jewish poll-tax. The amount to be paid by the Jews living on the territories belonging to the Crown was raised to 220 000 Polish zloties, while the sum to be paid by Lithuanian

Jews was raised to 60 000 zł. In order to make the process of tax collection more efficient, the Grand Crown Treasurer obtained three Jewish elders who were to act as his assistants.

What is undoubtedly worth emphasizing is that among the acts passed by the Diet during the reign of King Augustus II, one does not observe any decisions which could be recognized as decidedly hostile to the Jews. Instances of hostile conduct toward the Jews should rather be treated as an element of parliamentary rhetoric which nevertheless did not lead to any serious consequences.

Naturally, what was very important was the issue of the implementation of all the acts which had been passed by the Diet. This undoubtedly refers not only to the tax bills, but also to other issues concerning the Jews. However, as the Grand Crown Treasurer, J. J. Przebendowski once said: "Nothing can be easier than burdening the state treasury, like a camel; one can invent beautiful things *ad speciem et ad aplausum populi*, but how to implement them in real life is quite another matter."⁶¹ The above words of the Grand Treasurer can be referred not only to the functioning of the tax system within the state (including the issue of the Jewish taxes), but also to other legal acts of the Polish Commonwealth. Parliamentary acts, resolutions of the senate, decisions of the regional councils of the gentry, and court sentences were equally difficult or maybe even more difficult to implement in real life.

From the point of view of the Jews, the above fact had a considerable significance as it created a certain possibility of lessening the strenuousness associated with the legal acts and regulations which were enforced upon them.

Translated by *Piotr Mizia*

⁶¹ Quotation after J. Feldman, *Polska w dobie wielkiej wojny północnej (1704–1709)*, Kraków 1925, p. 173.